IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

KEITH PARKER, Register No. 514395,)
Plaintiff,)
v.) No. 04-4135-CV-C-NKI
DANIEL POOL, Director of Nursing, et al.,)
Defendants.)))

ORDER

On March 17, 2005, the United States Magistrate Judge recommended that defendants' motion of January 31, 2005, to dismiss the claims against defendants Pool, Sulltrop and Conley for failure to state a claim be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

A de novo review of the record, including the exceptions filed by defendants on March 18, 2005, and the response filed by plaintiff on March 28, 2005, convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Plaintiff's complaint and subsequent pleadings provide defendants with notice of the claims being asserted against them. Plaintiff should be given at least a limited opportunity to learn whether, as he believes, the named defendants directed the actions of the Jane Doe defendants with regard to plaintiff's medical care. If discovery warrants, plaintiff may request leave to amend his complaint or defendants may seek judgment as a matter of law.

Accordingly, it is

ORDERED that defendants' motion of January 31, 2005, to dismiss for failure to state a claim is denied [13].

NANETTE K. LAUGHREY
United States District Judge

Dated: April 19, 2005 Jefferson City, Missouri